IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 25829 of 2007(Y)

PETITIONER:

V. AROCKIA SAMY,
1/4159, P.M.KUTTY ROAD, NEAR TELECOM OFFICERS QUARTERS, EAST HILL, KOZHIKODE-673 005.

BY ADV. SRI.A.RANJITH NARAYANAN
SRI.S.K.SAJU

RESPONDENTS:

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1. THE CHAIRMAN,
KENDRIYA VIDYALAYA SANGATHAN, MINISTRY OF HUMAN RESOURCES DEVELOPMENT, SASTHRI BHAVAN, NEW DELHI.

2. THE COMMISSIONER,
KENDRIYA VIDYALAYA SANGATHAN, NEW DELHI.

3. THE PRINCIPAL,
KENDRIYA VIDYALAYA SANGATHAN-1, EAST HILL, KOZHIKODE.

BY SC M/S IYER AND IYER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) NO.25829 of 2007

Dated this the 12th day of September, 2007

JUDGMENT

I heard the learned counsel for the petitioner as also the learned Standing Counsel appearing on behalf of the respondents.

2. Challenge is against the order of termination of services of the petitioner in the Kendriya Vidyalaya. According to the learned counsel for the petitioner, Ext.P7 appeal was prosecuted before the Hon'ble Minister, Human Resources Development Department, Government of India who according to him is also ex-officio Chairman of the Kendriya Vidyalaya. Ext.P16 reveals that the appeal filed by the petitioner, on 25.7.1995, was disposed of by the Hon'ble Minister on 6.11.1995. It further says that the letter of the Minister was addressed to the petitioner stating that no relief can be provided to the offender and that no special intimation has been given to the individual.

3. The learned Standing Counsel submits that the remedy, if any, available to the petitioner is before the Central Administrative Tribunal and that the writ petition is not maintainable. I do not propose to decide on these aspects, at this stage. The limited relief sought for by the petitioner in these circumstances is that he may be given a copy of the proceedings under which Ext.P7 appeal has been disposed of.

4. It is possible that the appeal has been disposed of by letter dated

6.11.1995 referred to in Ext.P16. If that be so, that fact may be intimated to the petitioner by the respondents. But if there is any separate proceedings, disposing of Ext.P7 appeal, then copy of the same may be supplied to the petitioner. I do not propose to enter into the controversy as to whether intimation of the letter dated 6.11.1995 referred to in Ext.P16 should be treated as an intimation of the disposal of the appeal, in as much as that the correctness of the same has not been challenged in the writ petition, at this stage.

5. **The writ petition is, therefore, disposed of** directing the second respondent to give intimation to the petitioner as to whether any separate proceedings have been issued by the Chairman of the Kendriya Vidyalaya, in the matter of disposal of Ext.P7 appeal. If under the rules, an intimation, as is stated to have been made vide letter dated 6.11.1995, is sufficient and there are no separate proceedings as such, then that fact may be intimated to him. But if there are separate proceedings, then copy of the same may be supplied to him. The needful may be done within a period of two months from the date of receipt of a copy of the judgment.

V.GIRI, JUDGE

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